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June 17, 2003

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JUN 18 2003

Technology Center 2600

Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Utility Patent Application  
Appl. No. 09/963,670; Filed: September 27, 2001  
For: **Method and Apparatus for Interleaving DOCSIS Data with an MPEG Video Stream**  
Inventors: Dworkin *et al.*  
Our Ref: 1875.0790000

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. A listing of the cited documents on Form PTO-1449 (2 pages);
3. Copies of the cited documents (AL1, AR1, AS1, AT1 and AR2); and
4. One (1) return postcard.

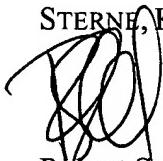
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
June 17, 2003  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl  
Attorney for Applicant  
Registration No. 36,013

RES/adw  
Enclosures

SKGF\_DC1:145441.1



#8

07-02-03  
SL

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dworkin *et al.*

Appl. No. 09/963,670

Filed: September 27, 2001

For: **Method and Apparatus for  
Interleaving DOCSIS Data with  
an MPEG Video Stream**

Confirmation No.: 8974

Art Unit: 2661

Examiner: To Be Assigned

Atty. Docket: 1875.0790000

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Technology Center 2000

**Information Disclosure Statement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97((b)). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to

the filing of this Information Disclosure Statement. 37 C.F.R.  
§ 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our PTO-2038 Credit Card Payment Form [OR] Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Attached is our Credit Card Payment Form (PTO-2038) in the amount of \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more

than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

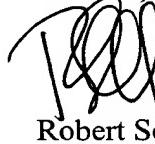
- 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. A copy of the search report is enclosed for the convenience of the Examiner.
- 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- 7. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl  
Attorney for Applicants  
Registration No. 36,013

Date: June 17, 2003

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FORM PTO-1449

INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.  
1875.0790000APPLICATION NO.  
09/963,670APPLICANT  
*Dworkin et al.*FILING DATE  
September 27, 2001GROUP  
2661U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1						
	AB1						
	AC1						<b>RECEIVED</b>
	AD1						
	AE1						JUN 18 2003
	AF1						<b>Technology Center 2600</b>
	AG1						
	AH1						
	AI1						
	AJ1						
	AK1						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	EP 0 805 598 A1	05/1997	EPO			Yes No
	AM1						Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	1	International Search Report issued March 13, 2003 for Appln. No. EP 02 25 6774, 4 pages.
	AS	1	"ITU-T Recommendation J.83 – Digital multi-programme systems for television, sound and data services for cable distribution," ITU-T/International Telecommunication Union, 'Online! – April 1997 (1997-04) pages 1-60 XP002233105, Retrieved from the internet: <URL: <a href="http://www.doc.ua.pt/arch/itu/rec/product/J.htm">http://www.doc.ua.pt/arch/itu/rec/product/J.htm</a> > 'retrieved on 2/28/2003.
	AT	1	Fellows, D. et al., "DOCSIS Cable Modem Technology," <i>IEEE Communications Magazine</i> , IEEE Service Center, Vol. 39, Nr. 3, Pages 202-209, XP-001059346.



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1875.0790000APPLICATION NO.  
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2661**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2						
	AB2						
	AC2						
	AD2						
	AE2						JUN 18 2003
	AF2						
	AG2						Technology Center 2600
	AH2						
	AI2						
	AJ2						
	AK2						

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

AR	2	"Intelligent Multiplexing Solutions For Video-On-Demand Systems," Cisco Systems, retrieved from the internet: <URL: http://www.cisco.com/warp/public/cc/so/neso/vdso/itmst_wp.pdf>, retrieved February 28, 2003.
AS	2	
AT	2	